IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1641/06

Shri.Vishwas Laxman Dhanwade .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.Shashank P. Borade with K.S. Patil Adv. for the applicant.

Miss.S.D. Shinde APP for the State.

CORAM : V.M. KANADE, J.

DATED : 27/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.232/2005 registered with Samta Nagar Police Station, Borivali(E), Mumbai the offences punishable U/s.307, 397 r/w 34 of IPC.

3. It is submitted that the applicant is entitled to be released on bail on the ground of parity since other co-accused have been released on bail by this court in criminal application No.4890/05 by order

dated 4th August, 2005. It is submitted that injuries which were suffered by the complainant are simple in nature and the other co-accused had assaulted the complainant with iron rod, have been released on bail. Whereas the allegations against the present applicant is that he snatched mobile phone from the hands of the complainant. I have perused the order passed by my brother A.S.Oka, J.

4 In my view, the applicant is entitled to be released on bail on the ground of parity. The applicant, under this circumstance, be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The applicant shall attend the Samta Nagar Police Station, Borivali(E), Mumbai as and when called. The applicant shall report to the concerned Police Station, once in a month.

5. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

6. The Trial Court shall not be influenced by any

observations made by this Court while deciding the application and they shall not be construed to mean as an expression of opinion on merits of the case and it shall decide the case on its own merit and in accordance with law.

7. The application is accordingly disposed of.

V.M. KANADE J.